IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12130 of 2004

Between:

Waheed Ali Khan, S/o Basheer Ali Khan,
R/o H. NO. 8-2-404, Road No. 6, Banjara Hills, Hyderabad.

..... PETITIONER

AND

1 Commissioner of Police, Hyderabad having office at

Basheerbagh, Hyderabad
2 The Station House Officer Banjara Hills, Having Office

at Banjara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or a Writ particularly in the nature of Writ of *Mandamus* declaring that the police has no right to interfere into civil dispute relating to the repairing work being carried out by the petitioner in his compound wall of his house bearing M.C. No. Old C-4 C-2-404 corresponds to new No. 8-2-404, situated at Road No.6 Banjara Hills, Hyderabad admn. 2081 sq. yards. Consequently this Hon'ble Court may be pleased to direct the respondents not to interfere into the Civil dispute with regard to the repairing work being carried out by the petitioner in his compound wall of his house bearing M.C. No. Old C-4 C-2-404 corresponds to new No. 8-2-404, situated at Road No. 6, Banjara Hills, Hyderabad admn 2081 Sq.yards and pass any other order or orders as deemed fit and proper under the circumstances of the case in the interest of justice.

Counsel for the Petitioner:Mr.Mohd.Moin Ahmed Quadri

Counsel for the Respondents: The Government Pleader for Home.

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the second respondent in interfering with the civil dispute between the petitioner and his other family members.

According to the petitioner, he is the absolute owner and possessor of a portion of the house bearing M.C No.Old C-4 C-2-404, corresponding to new No.8-2-404, situated at Road No.6, Banjara Hills, Hyderabad, admeasuring 2081 square yards. As the house became old and requires repairs and when the petitioner proposed to carry on repairs, petitioner's brother's sons filed a false complaint against him before the second respondent. On that, the second respondent is intervening and restraining the petitioner from carrying on the repairs and also demanding the petitioner to pay a sum of Rs.2,00,000/- to his brother's sons, hence, the present writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Home.

Admittedly, the dispute relates to house property between the petitioner and his other family members, which is purely a civil dispute and the second respondent has nothing to do with such dispute. Therefore, the second respondent has no jurisdiction to interfere with the affairs of the petitioner with reference to the above house or repairs to the said house. Therefore, the writ petition is disposed of directing the second respondent not to interfere with the civil disputes between the petitioner and his other family members.

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15-07-2004

Note: Furnish C.C. by tomorrow

b/o

vrn

To

1. The Commissioner of Police, Hyderabad having office at

Basheerbagh, Hyderabad.
2. The Station House Officer Banjara Hills, Having Office

at Banjara Hills, Hyderabad.

3. Two C.Cs. to the Government Pleader for Home, High Court

Buildings, Andhra Pradesh, Hyderabad, (OUT).

4. Two C.D. Copies.